

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

PEGGY LANDERS

P.O. Box 33364

Amarillo, TX 79120

Plaintiff,

VS.

CRED X DEBT RECOVERY, LLC

4252 Ridge Lead, Ste. 106

Amherst, NY 14226

Defendant.

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CIVIL ACTION NO.:

JURY DEMAND REQUESTED

VERIFIED CIVIL COMPLAINT (UNLAWFUL DEBT COLLECTION PRACTICES)

VERIFIED COMPLAINT

PEGGY LANDERS (Plaintiff), by her attorneys, THE RIFFE LAW FIRM, P.L.L.C., alleges the following against CRED X DEBT RECOVERY, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Texas, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in Amarillo, Potter County, Texas and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a debt collector with an office in North Tonawanda, New York.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by *15 U.S.C. § 1692a(6)*.

9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for an alleged debt.
11. Defendant called Plaintiff and used offensive language and personal verbal attacks during multiple telephone calls in an attempt to collect a debt.
12. Defendant called Plaintiff's father and daughter regarding Plaintiff's alleged debt.
13. Defendant called Plaintiff from telephone number: 800-448-9570.
14. Defendant places collection calls to Plaintiff on following telephone numbers: 806-626-7627 and 806-353-5661.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692b(2) of the FDCPA by communicating with other persons that Plaintiff owed a debt.
 - b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring and engaging Plaintiff in telephone conversations repeatedly and

continuously with the intent to annoy, abuse, and harass Plaintiff.

- d. Defendant violated §1692e(4) of the FDCPA by using false, deceptive or misleading representations or means in connection with the collection of a debt by stating that nonpayment of a debt would result in Plaintiff's arrest or the garnishment of wages.

WHEREFORE, Plaintiff, PEGGY LANDERS respectfully requests judgment be entered against Defendant, CRED X DEBT RECOVERY, LLC for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, PEGGY LANDERS, requests a jury trial in this case.

Respectfully submitted,

THE RIFFE LAW FIRM, P.L.L.C.

/s/ G. Brad Riffe
G. BRAD RIFFE
State Bar # 24062265
Attorney for Plaintiff

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